IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5921 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KISHOR TRADING CO. THR'PROP.MANOJBHAI DULAMAL
Versus
STATE BANK OF SAURASHTRA THR' MANAGING DIRECTOR AND OTHERS

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Appearance :
MR ASHISH M DAGLI for Petitioner.
DS AFF.NOT FILED (R) for Respondent Nos.1 - 3.
NANAVATI & NANAVATI for Respondent Nos. 1, 3.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 12/04/2007

ORAL JUDGMENT

1) In the present case, the petitioner has challenged an order dated 21st March, 2006 passed by Fast Track Court No.2, Bhavnagar, in Misc. Appeal No.28 of 2006 confirming the order passed by the trial Court dated 10-3-2006 in Civil Suit No.17/2006.

2) In view of certain developments, which took place during the pendency of this petition, it is not necessary to record in detail the exact controversy between the parties. Suffice it to say that learned Single Judge of this Court by a detailed order dated 3rd April, 2006 while admitting the petition granted interim relief in terms of para 15-d of the petition and thereby restrained respondents no.1 and 3 from acting upon bank guarantee provided by the petitioner. Learned Single Judge simultaneously directed the Presiding Office of the Fast Track Court No.2 to hear and decide Civil Misc. Appeal No.28 of 2006 on or before 30th June, 2006.

2.1) Aggrieved by the said order, respondent no.3 had approached the Apex Court by filing Civil Appeal No.2576 of 2006. In the said appeal, the Apex Court directed the Fast Track Court to hear the matter on 30th June, 2006 and dispose it of as expeditiously as possible without being influenced by the observations made by the High Court in the interim order. The Apex Court also provided that the interim order passed by the High Court shall continue to operate till then.

3) As noted earlier, an order passed by learned Single Judge on 3rd April, 2006 was an interim order, at the time when even Civil Misc. Appeal was pending before the Fast Track Court. The Apex Court required the Fast Track Court to dispose of the appeal without being influenced by the observations made by the High Court and also provided that till then the interim order passed by the High Court shall operate. In view of this development, nothing further is required to be done in this petition. The same is disposed of as having become infructuous. Rule is discharged. No costs.

(Akil Kureshi, J.)

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